



## EPA response to questions about the Pitchfork petition

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In preparation for the community and other meetings later this week in Oregon, OPP has provided the following information on what to say in response to questions we may get on the Pitchfork Rebellion petition to EPA (thanks, Jill!). Also, there is a call between Jill (and others from OPP) and ODA and other Oregon agencies on Wednesday morning at 9:00. This was arranged at Dale Mitchell's request. There will be three of us coming down from Seattle for the meetings - Elizabeth, Kay, and myself. Alan also indicated he could participate.

I intend to boil this down to some bullet points I can actually remember, but here's the full statement for now:

The Agency is developing a response to public comments received on the petition that will clear the way for an Agency response to the petition itself. EPA Headquarters has focused on two related issues that have the potential to address some of the petitioners' concerns, and the response to the petition will be dependent on their status.

First, the Agency will be implementing a plan to make the assessment of the risks pesticide drift poses to "bystanders" a routine part of pesticide decision-making, when the potential for exposure and characteristics of the pesticide indicate that there is a potential for risk. The potential for exposure is related to the application method and equipment used for a particular pesticide, so that the aerial broadcast application of a pesticide could trigger the assessment, while a dry product that is applied in the furrow and covered with soil at the time of planting might not. Based on how herbicides are used on timber in Western Oregon, an assessment of the risks associated with drift for residents in the vicinity of treatment areas would be likely. Efforts have also begun to determine how current drift models might be applied to, or modified for, scenarios in which the treatment area is steeply sloped and in which aerial applicators must avoid standing trees during applications by flying at height. HQ is also supporting the work of the Region in resolving citizen complaints about drift from timber applications.

Second, the Agency is in the final stages of preparing guidance on pesticide labeling for drift that could have a real impact for Triangle Lake and other communities. The Agency plans to issue a notice by the end of the year advising pesticide registrants on how product labels should address drift. The notice also will serve as guidance for pesticide enforcement personnel. Registrants are advised to add a uniform and inclusive general drift statement that sets a performance standard for avoiding drift. Although the guidance is not final, the Agency has been very transparent in developing the drift labeling, which is currently drafted for commercial-use products as:

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. In addition, do not apply this product in a manner that results in spray drift that harms people or any other non-target organism or site.

Labeling will differ somewhat for products applied by homeowners, but for products labeled as above, in situations such as those that are the subject of the petition, pesticide applications that create drift resulting in direct contact with humans or the contact of humans with drift residues would be unlawful, as would drift that results in harm to non-human non-target organisms or gardens or environmental resources. The drift labeling guidance will also set standards for product-specific restrictions to reduce drift, such as use directions that specify buffer zones or restrictions on droplet size.

In another effort with overlap to the Triangle Lake petition, the Agency is also developing a response to a petition on reducing the drift exposures of children. It is our hope to issue the labeling guidance and respond formally to the two drift petitions around the same time, and by the end of this year.

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